

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

ROSARIO CAMARILLO-CABELLO, §
INDIVIDUALLY AND AS NEXT FRIEND §
OF MIGUEL ANGEL CABELLO, A MINOR §
§
V. § CIVIL NO. 5:22-cv-00006
§
BUCHHEIT TRUCKING SERVICE, INC. §
MICHAEL SCOTT FRENCH, AND THE §
ESTATE OF JESUS TAPIA, JR. §

DEFENDANTS, BUCHHEIT TRUCKING SERVICE, INC. and SCOTT MICHAEL FRENCH, NOTICE OF REMOVAL

SOUTHERN DISTRICT OF TEXAS:

Pursuant to 28 U.S.C. §§ 1332 and 1441(a), Defendants, **BUCHHEIT TRUCKING SERVICE, INC. and SCOTT MICHAEL FRENCH**, hereby remove this action to the United States District Court for the Southern District of Texas, Laredo Division from the 341st Judicial District Court of Webb County, Texas, stating as follows:

1. Plaintiffs, Rosario Camarillo-Cabello and Miguel Angel Cabello, commenced this action in the 341st Judicial District Court of Webb County, Texas, where it was given Cause No. 2019CVA002071D3. This action is properly between citizens of different states. Plaintiffs are residents of Texas. Defendant, BUCHHEIT TRUCKING SERVICE, INC is a Missouri corporation with a principal place of business in Missouri and Defendant, MICHAEL SCOTT FRENCH resides in Missouri. Defendant Matt Miller, subject to a pending special appearance, is a resident of Cape Girardeau, Missouri and is a citizen of Missouri. Defendant Buchheit Logistics Inc. is a Missouri corporation with a principal place of business in Missouri. Defendant and Cross Plaintiff the Estate of Tapia Jr., is a citizen of Texas and has been improperly joined and is therefore an improper party to be considered for venue purposes as further expressed in Defendants' Brief in Support of Removal. Further, Plaintiffs claim damages for serious personal injury and as of Plaintiffs'

October 17, 2019 Original Petition, Plaintiffs are seeking damages of over \$1,000,000.00.

Accordingly, this Court has original jurisdiction under 28 U.S.C. § 1332.

2. Plaintiffs Rosario Camarillo-Cabello and M.A.C made representations via expert disclosures on January 3, 2022 and correspondence on January 11, 2022. To paraphrase 28 U.S.C. § 1446(b), a notice of removal may be filed thirty days after receipt by the defendant of “other paper” from which it can be ascertained that the case has become removable. Thus, given the date of Plaintiffs’ above representations this removal is timely under 28 U.S.C. § 1446(b).

3. A copy of all process and pleadings served upon Defendants, BUCHHEIT TRUCKING SERVICE, INC., AND MICHAEL SCOTT FRENCH are attached as Exhibit A.

4. Defendants, BUCHHEIT TRUCKING SERVICE, INC., AND MICHAEL SCOTT FRENCH have provided written notice of this Notice of Removal to all adverse parties and has filed a copy with the Clerk of the 341th Judicial District Court of Webb County, Texas.

5. Defendants, BUCHHEIT TRUCKING SERVICE, INC., and MICHAEL SCOTT FRENCH consent to the removal.

6. Defendants MATT MILLER and BUCHHEIT LOGISTICS INC., subject to their special appearances, consent to this removal.

Dated: January 30, 2022

Respectfully submitted,

js/Georgina E. Buckley

LARRY D. WARREN

State Bar No. 20888450

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GEORGINA E. BUCKLEY

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**ATTORNEYS FOR DEFENDANT
BUCHHEIT TRUCKING SERVICE,
INC., AND DEFENDANTS MATT
MILLER AND BUCHHEIT LOGISTICS
INC. SUBJECT TO THEIR SPECIAL
APPEARANCES**

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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of January 2022, the foregoing was e-filed with the Clerk of Court using the CM/ECF system, and was served on counsel via Email:

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